UNITED STATES PATENT AND TRADEMARK OFFICE

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SHERR, CRISTINA O

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

   4a) Of the above claim(s) *10-16, 19-22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 17, 18, 23 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Applicants' amendment filed August

16, 2007. Claims 1-24 are pending in this case. Claim 1 Has been amended. Claims

1-9, 17-18, and 23-24 are currently under examination.

Response to Arguments

2.   Applicants' arguments filed August 16, 2007 have been fully considered

but they are not persuasive.

3.   Applicants make a number of arguments regarding claim 1, which are then

referred to with respect to claims 16 and 22. In synthesis, applicants argue the

following:

(1) - Blakley is directed towards clear-text passwords synchronization of server

data within a closed network, not "migrating from a source user authenticator having a

source datastore, containing encrypted password data and other unencrypted data" as

claimed.

(2) - Blakely does not teach or suggest a method for migrating from a source

user authenticator to a target user authenticator that locates a corresponding

identification in a target datastore and determines whether the target datastore includes

a password associated with the identification.

(3) - Mehring does not teach or suggest a method for migrating from a source

user authenticator to a target user authenticator that submits the received identification

and received password to the source user authenticator if the target datastore does not

include a ,password associated with the identification.

(4) - The system and method of the pending disclosure populates the target

datastore with the received password from the user. It does not populate the target

datastore with the password from the source user authenticator.

(5) - The actions of converting encrypted and unencrypted data to be compatible

with target datastore and populating target datastore with the converted data are not

"nonfunctional descriptive material".

4.   Examiner respectfully disagrees and notes the following;

5.   With respect to Applicants' arguments, above, applicants are arguing the

preamble of the claims. In response to applicant's arguments, the recitation in

arguments above has not been given patentable weight because the recitation occurs in

the preamble. A preamble is generally not accorded any patentable weight where it

merely recites the purpose of a process or the intended use of a structure, and where

the body of the claim does not depend on the preamble for completeness but, instead,

the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ

478, 481 (CCPA 1951).

5.   With respect to the implementation of the servlet, Densmore, does

disclose a servlet and the implementation thereof at, e.g. col 8 ln 64-66. The specific

actions taken by the servlet are, at best, possible future action and thus do not further

the claims. Language that suggests or makes optional but does not require steps to be

performed or does not limit a claim to a particular structure does not limit the scope of a

claim or claim limitation. MPEP 2106 II C (statements of intended use). (See also, *Intel*

Corp. v. Int'l Trade Comm'n, 20 USPQ2d 1161 (Fed. Cir. 1991), with respect to optional

language.)

6.   With respect to the entire clause following the word "if", we note once

again, that language that suggests or makes optional but does not require steps to be

performed or does not limit a claim to a particular structure does not limit the scope of a

claim or claim limitation. MPEP 2106 II C (statements of intended use). (See also, *Intel*

Corp. v. Int'l Trade Comm'n, 20 USPQ2d 1161 (Fed. Cir. 1991), with respect to optional

language.)

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-9, 17-18, and 23-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Blakley, III et al. U.S. Patent 5,832,211 [Blakley], in view of Mehring et al.

U.S. Patent 6,609,115 1311 [Mehring], and further in view of Densmore U.S. Patent

6,591,305 [Densmore].

9.   As per claim 1 –

Blakley discloses: Read selected unencrypted data from source data store. For example Col.

7, lines 35-37.

10.   The migration steps, taught by Blakley, teach about the migration of data from a Source Domain to a Target Domain. Col. 10, lines 46-67, that may be customer-tailored according to the user's particular needs, would be performed the same regardless of the data.

11.   Blakely further discloses converting data in making the said data compatible with a plurality of datastores and foreign registries. (e.g. col 7 ln 50-55), and further populates the new datastore or registry with the data (e.g. col 8 ln 35-40).

12.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to read selected data be it unencrypted or encrypted data from source data store; convert unencrypted/encrypted data to be compatible with target data store; and populate target data store with the converted data, because such data does not functionally relate to the steps in the method claimed and because the subjective . interpretation of the data does not patentably distinguish the claimed invention.

13.   Blakley further discloses: Receive identification from a user seeking access to information protected by the target user authenticator. For example Col. 7, lines 17-35.

14.   Locate the corresponding identification in the target data store and determine whether the target data store includes a password associated with the identification. For example Col. 11, lines 44-55, Blakley teaches locating the corresponding identification in the target data store, which includes a password, associated with the user's identification.

15.   Receive a password from the user associated with the received identification. For example Col. 11, lines 25-67. Blakley discloses the claimed invention

except for if the target data store does not include a password associated with the

identification, then submits the received identification and received password to the

source user authenticator. Mehring teaches that it is known in the art to provide if the

target data store does not include a password associated with the identification, then

submit the received identification and received password to the source user

authenticator. Col. 10, lines 49-67, Col. 11, lines 1-10. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to provide the

authentication procedure Blakley with the if the target data store does not include a

password associated with the identification, then submit the received identification and

received password to the source user authenticator of Mehring, in order to facilitate the

use of the data during the migration phase of the data transfer.

16.   Further, it would have been obvious to one having ordinary skill in the art at

the time of the invention was made to if the target data store does not include a password

associated with the identification, then submit the received identification and received

password to the source user authenticator since it is known in the art that during a data

base migration period, if the target data store does not include a password associated with

the identification, then submit the received identification and received password to the

source user authenticator.

17.   Monitor the source user authenticator for an approval response; for

example Col. 8, lines 1-10, Col. 9, lines 34-67.

18.   Blakley discloses the claimed invention except for on receipt of an approval

response from the source user authenticator populates the target data store with the

received password associating the received password with the corresponding identification.

It would have been obvious to one having ordinary skill in the art at the time of the invention

was made to on receipt of an approval response from the source user authenticator

populate the target data store with the received password associating the received

password with the corresponding identification, since it is known in the art that to facilitate

the complete transfer of data, when data is found missing from the original source, it is

restored by the data from the original source.

19.   Authenticate the identification and password using the target user

authenticator. For example Blakely at Col. 23, lines 5-35.

20.   Additionally, neither Blakely nor Mehring discloses intercepting a

password or identification by implementing a servlet. Densmore, however, does

disclose a servlet which intercepts requests. (e.g. Col 8 ln 64-66). It would have been

obvious to one of ordinary skill at the time the invention was made to use a servlet to

intercept a password or other necessary data in order to facilitate the transfer of data

while preserving security.

21.   As per claim 2:

Blakley further discloses: If, after determining whether the target data store includes a

password associated with the identification, the target data store does include a password

associated with the identification, then authenticate the identification and password

using the target user authenticator. For example Col. 7, lines 15-20.

22.   As per claim 3:

Blakley further discloses: Receiving a password in a single submission from the user in conjunction with receiving the identification from the user. For example Col. 7, lines 15-35

23.   As per claims 4, 5, 17, and 23:

Blakley discloses the claimed invention except for the receiving a password in a submission from the user after the initial submission of the identification from the user. However, Blakley does disclose the use of a password and a corresponding unique account identification number. Col. 7, lines 15-20. Mehring teaches that it is known in the art to provide a receiving a password in a submission from the user after the initial submission of the identification from the user. Col. 10, lines 60-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the password/unique identification element of Blakley with the receiving a password in a submission from the user after the initial submission of the identification from the user of Mehring, in order to increase the security in accessing data. Further, It would have been obvious to modify the teachings of Blakley, to provide the step of receiving a password in a submission from the user after the initial submission of the identification from the user.

24.   Since the applicant has not disclosed that receiving a password in a submission from the user after the initial submission of the identification from the user solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Blakley will perform the invention as claimed by the applicant with any means, method, or product

to receiving a password in a submission from the user after the initial submission of the

identification from the user.

26. 25.   As per claims 6, 18, and 24:

Blakley discloses the claimed invention, as discussed above, except for the step of

prompting for and receiving the identification and a password from the user after the initial

submission of the identification from the user. It would have been an obvious to modify the

teachings of Blakley to provide the step of prompting for and receiving the identification and

a password from the user after the initial submission of the identification from the user.

26.   Since the applicant has not disclosed that prompting for and receiving the

identification and a password from the user after the initial submission of the identification

from the user solves any stated problem in a new or unexpected way or is for any particular

purpose which is unobvious to one of ordinary skill and it appears that the claimed feature

does not distinguish the invention over similar features in the prior art since, the teachings

of Blakley will perform the invention as claimed by the applicant with any means, method,

or product to prompting for and receiving the identification and a password from the user

after the initial submission of the identification from the user.

27.   As per claim 7:

Blakley discloses the claimed invention except for the wherein the action of prompting for

and receiving the identification and a password from the user after the initial submission of

the identification from the user occurs after determining that the target data store does not

include a password associated with the identification; and, wherein the action further

comprises using the source user authenticator to prompt for and receive the identification and a password from the user after the initial submission of the identification from the user.

28. Mehring teaches that it is known in the art to provide wherein the action of prompting for and receiving the identification and a password from the user after the initial submission of the identification from the user occurs after determining that the target data store does not include a password associated with the identification; and, wherein the action further comprises using the source user authenticator to prompt for and receive the identification and a password from the user after the initial submission of the identification from the user.

29. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the security method of Blakley with wherein the action of prompting for and receiving the identification and a password from the user after the initial submission of the identification from the user occurs after determining that the target data store does not include a password associated with the identification; and, wherein the action further comprises using the source user authenticator to prompt for and receive the identification and a password from the user after the initial submission of the identification from the user of Mehring, in order to authenticate the user requesting the data.

30. As per claims 8 and 9:
Blakley discloses the claimed invention except for wherein while the source user authenticator is receiving the submitted password from the user, capturing the password provided by the user in response to the source authenticator prompting and using the captured password as the received password.

31.   It would have been obvious to one having ordinary skill in the art at the time of the invention was made to wherein while the source user authenticator is receiving the submitted password from the user, capturing the password provided by the user in response to the source authenticator prompting and using the captured password as the received password since it is known in the art to use the password provided by the user in response to the source authenticator prompting and using the captured password as the received password.

32.   Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

33.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

34.   Leah et al. US 6,986,038 131 TECHNIQUE FOR SYNCHORNIZING SECURITY CREDENTIALS FROM A MASTER DIRECTORY, PLATFORM, OR REGISTRY. Discloses prompting of the user.

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35.   Lemon US 7,016,953 discloses an HTTP transaction monitor including a servlet that intercepts HTTP requests.

36.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

37.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

38.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571- 272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

39.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40.   Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cristina Owen Sherr
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1/7/08

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